

November 10, 2008

**BY FACSIMILE (2 pages) (212-805-6382)**

Honorable Victor Marrero  
United States District Judge  
Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 660  
New York, NY 10007-1312

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 11-17-08

Re: Trinity Bui et al. v. Industrial Enterprises of America, Inc., et al.  
No. 1:08-cv-00583 (VM)

Dear Judge Marrero:

We represent defendant John Mazzuto in the above-referenced matter. We respectfully request leave for Mr. Mazzuto to join the motion by defendants Industrial Enterprises of America, Inc., James Margulies and Dennis O'Neill (the "IEAM Defendants") to dismiss the Complaint and the Amended Complaint (to the extent it is properly filed) and to deny plaintiffs leave to replead.

If granted leave, Mr. Mazzuto intends to move to dismiss the Complaint and Amended Complaint on substantially the same grounds as those set forth in the IEAM Defendants' motion dated May 9, 2008, and their letter to the Court dated November 7, 2008. As we noted in our letter dated October 30, 2008, the only allegations in the Complaint that name Mr. Mazzuto are paragraph 10, in which plaintiffs allege that Mr. Mazzuto held various positions at IEAM and paragraph 14, in which plaintiffs define the term "Individual Defendants" to include Mr. Mazzuto. The Amended Complaint adds only two references to Mr. Mazzuto: paragraph 40, in which plaintiffs allege that Mr. Mazzuto "resigned in disrepute" as CEO of IEAM; and paragraph 69, in which plaintiffs allege that IEAM's directors and officers, including Mr. Mazzuto, instructed IEAM's attorneys to settle a prior case with plaintiffs by a certain date. As the IEAM Defendants explain, the Amended Complaint fails to remedy the defects identified in their motion to dismiss the Complaint.

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**HOGUET NEWMAN  
REGAL & KENNEY, LLP**

We are available to discuss this matter at the Court's request and convenience.  
We thank the Court for its consideration.

Respectfully submitted,



Sheryl B. Galler

cc by facsimile:

Michael C. Barrows, Esq. (212-573-0983)  
Leon B. Borstein, Esq. (212-687-8710)  
Thomas J. Curran, Esq. (212-922-9335)  
William McCracken, Esq. (212-922-9335)

*Request GRANTED. Defendant John  
Nazzari is authorized to join the motions  
of the co-defendants in this case to dis-  
miss the Amended Complaint and deny leave  
to replead. The Court deems this letter  
sufficient to record defendant's motion filed  
SO ORDERED: and assenting substantially the  
same grounds as co-defendants. no further  
submissions shall be necessary.*  
DATE 12-17-08 VICTOR MARRERO, U.S.D.J.